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EXAMINER	
KITOV, ZEEV	

ART UNIT	PAPER NUMBER
2836	

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Please find below and/or attached an Office communication concerning this application or proceeding.

RF

Office Action Summary	Application N .	Applicant(s)	
	10/029,593	OCHI, SAM SEIICHIRO	
	Examiner	Art Unit	
	Zeev Kitov	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Peri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5 - 15, 17 - 21, 23, 25 - 27, 29 - 41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *31* is/are allowed.

6)☒ Claim(s) *5, 6, 11 - 15, 17, 19 - 21, 23, 26, 27, 30, 32 - 41* is/are rejected.

7)☒ Claim(s) *7 - 10,18, 25, 29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Examiner acknowledges a submission of the amendment and arguments filed on July 11, 2003. Claims 1 - 4, 16, 22, 24 and 28 are deleted; Claims 5 - 7, 11, 17, 18, 23, 27, 29, 31, 32 and 40 are amended. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to a claim language, "the second circuit means further being responsive to the control signal so that the amount of power that is applied to the device varies in response to the electrical noise" (emphasis added). If it is true, the device is supplied with noisy power signal, which cannot be a goal of invention. For purpose of examination it was interpreted as "that the amount of power that is applied to the device remains independent of noise".

Claim 17 recites the limitation "the first transistor". There is insufficient antecedent basis for this limitation in the claim. For purpose of examination it was interpreted as "transistor". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 – 14, 17 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasums et al. (US 5,572,395). Regarding Claim 11, Rasums et al. disclose all the elements of the claim including a switch coupling a target circuit with a source of power (element Q10 in Fig. 2), a first detector being RC circuit directly coupled to the switch (elements R13, R14 and C3 in Fig. 2), which causes closing of the switch and detecting application of power to the circuit and configured to be selectively coupled to and decoupled from the source of power (by element Q9 in Fig. 2), a second detector (element Q9 in Fig. 4), which causes opening of the switch and detects when a supply current exceeds a threshold (col. 7, line 25 – col. 8, line 51). The switch transistor (element Q10 in Fig. 2) is coupled to the RC circuit by its gate terminal and the RC circuit being in communication with the source of power causes a gradual closing of the switch.

Regarding Claim 12, Rasums et al. disclose the switch being closed slower than it opens. The closing rate is determined by the RC circuit (elements R13, R14 and C3 in Fig. 2), while opening of the switch happens faster, because the capacitor (element C3 in Fig.2) is shorted by transistor (element Q9 in Fig. 2).

Regarding Claim 13, Rasums et al. disclose the switch (element Q10 in Fig.2) as having a variable conductance (col. 7, line 25 – col. 8, line 51) and closing in slower rate than it opens (see above).

Regarding Claim 14, Rasums et al. disclose the first detector and the switch as being coupled to the positive terminal of the source of power (seeFig.2).

Regarding Claim 17, Rasums et al. disclose a FET transistor (element Q10 in Fig. 2).

Claims 32 – 34, 36 and 37 are rejected under 35 U.S.C. 102(b) as being unpatentable over Rasums et al. (US 5,272,395). Regarding Claims 32 and 37, Rasums et al. disclose following elements of the claim including first circuit means for detecting a connection event wherein a connection is made between the first circuit and the power source (element 105 in Fig.2) detecting application of power (ENABLE signal of Fig. 2 is shown in Fig.1 as being supply voltage Vbulk potential); second circuit means, responsive to the first circuit means (element Q10 in Fig 2), for coupling power from the power source to the electronic device so that power is applied to the electronic device in a gradual manner (filter R13, C3 smoothes the ramp); the voltage developed by the RC circuit is provided to the second circuit means (element Q10 in Fig. 2); third circuit means for detecting an overcurrent event wherein the electronic device draws current from the power source exceeding a predetermined level of current (elements R16 in Fig. 1 and 2) and fourth circuit means for reducing the amount of power that is applied to the

electronic device in response to the third means (element Q9 in Fig. 1, elements 20, R14 and Q10 in Fig. 2).

However, the claim is presented in a means and function form. According to 35 U.S.C. 112, 6th paragraph, "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof" (emphasis added). The means or step plus function limitation should be interpreted in a manner consistent with the specification disclosure.

To satisfy conditions of equivalency, the prior art must perform the identical function specified in the claim. "The prior art element performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in specification". (*Kemco Sales, Inc. v. Control Papers Co.,* 208 F.3d 1352, 54 USPQ2d 1308 (FED. Cir. 2000).

The reference elements differ from Claims 32, 34 and 36 in following:

First circuit means for detection of the power source application, which applicant discloses as comparator and the reference teaches as a current source provided with an input zener diode (element 105 in Fig. 4). The circuit of the reference is connected between to the power source, detects an application of the power source and controls the second circuit means, thus functioning in accordance to the Specification.

Fourth circuit means for reducing the amount of power applied to the device in response to the third circuit means is disclosed in the application as combination of

comparator and transistor, while the reference teaches an SCR (element 20 in Fig. 2) and resistors (elements R13 and R14). Since the SCR has specific threshold, it is equivalent to the comparator. Therefore, both exceptional elements have the same functionality, thus satisfying conditions of equivalency.

Regarding Claim 33, Rasums et al. disclose a fifth circuit means producing a signal indicative of an occurrence of the overcurrent event (signal propagating across resistors R13 and R14).

Regarding Claim 34, Rasums et al. disclose the third circuit means monitoring electrical activity on only one of the first and second connection terminals (resistor R16 monitors the current on only one connection terminal (see Fig. 1).

Regarding Claim 36, Rasums et al. disclose the fourth circuit means as being effective in decoupling the power supply from electronic device (element Q9 in Fig. 1, elements 20, R14 and Q10 in Fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasums et al. in a view of modern design practice. Regarding Claim 14, Rasums et al. disclose the first detector and the switch as being coupled to the positive terminal of the source of power (seeFig.2), but not as being coupled to the negative terminal of the power source. However, as well known in the art of electronic design, p-n-p and n-p-n as well as NMOS and PMOS transistors have the same electrical characteristics except their polarity, and therefore are mutually interchangeable. That makes circuits provided with positive and negative supply easily convertible. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Rasmus et al. circuit adapting it for negative supply voltage, because it is routine task of electronic design and performed in accordance with available source of power.

Claims 19, 20, 21, 23, 26, 27, 30 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasums et al. in a view of Goerke et al. As was stated above, Rasums et al. disclose all the elements of Claim 11. However, regarding Claim 19, they do not disclose the second detector having a first op-amp coupled between the first detector and the switch. Goerke et al. discloses the second detector (elements 150, 170a, 170b, 180a,180b in Fig. 4) having a first op-amp (element 110 in Fig.4) coupled between the first detector and the switch (element 10 in Fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

have modified the Rasmus et al. solution by adding the op-amp between the second detector and the switch according to Goerke et al., because it is routine practice in modern electronic design to use op-amp as an interface element, due to a well known op-amp's advantages, such as substantial input impedance (not loading the signal source), amplification of differential signals, substantial gain and practically voltage source at the output.

Regarding Claim 20, Goerke et al. disclose the second detector as having resistors coupled between the first op-amp inputs (elements 170a, 180a, 170b and 180b in Fig. 4). A motivation for such modification is the same as above.

Regarding Claim 21, Goerke et al. disclose the second detector as having a second power source coupled between one of the op-amp inputs and the source of power (element 190 in Fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified the Rasums et al. solution by adding the second voltage source according to Goerke et al, because as well known in the art, when op-amp is used as comparator, adding a voltage source to one of the inputs of comparator makes the comparator programmable thus changing its switching threshold.

As per Claims 23 and 27 they differ from Claim 11, rejected accordingly by its requirement of a presence of a second detector detecting when the source of power is decoupled from the target circuit and causing disconnection of the switch transistor. Goerke et al. disclose the circuit having a second detector for detection of the power source being decoupled from the target circuit (elements 240, 180a and 180b in Fig. 4).

In terms of Claim 27, it is detecting a voltage change a from non-zero voltage toward a zero voltage) causing an opening of the switch (col. 8, lines 18- 42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified the Rasums et al. circuit by introducing the second detector according to Goerke et al. because as Goerke et al. state (col. 8, lines 18 – 42), it provide the circuit with a fast, almost immediate, switching off.

Regarding Claims 26 and 30, Goerke et al. discloses the second detector (elements 150, 170a, 170b, 180a, 180b in Fig. 4) having a first op-amp (element 110 in Fig.4) coupled between the first detector and the switch (element 10 in Fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Rasmus et al. solution by adding the op-amp between the second detector and the switch according to Goerke et al., because it is routine practice in modern electronic design to use op-amp as an interface element, due to a well known op-amp's advantages, such as substantial input impedance (not loading the signal source), amplification of differential signals, substantial gain and practically voltage source at the output.

Regarding Claim 38, Goerke et al. discloses fifth circuit means detecting a change in an electrical parameter of the second circuit means indicative of a disconnection between the circuit and the power source (elements 150, 240, 170a, 180a, 170b, 180b and 190 in Fig. 4 detecting a source voltage of a transistor indicating a disconnection between the circuit and the source of power). A signal indicative of disconnection appears at the output of comparator (element 110 in Fig. 4). The claim is

presented in a means and function form. However, all recited elements of the reference have the same functionality as the claim elements disclosed in Specification. Therefore, as was stated above, the rules of equivalency are satisfied.

Claims 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasums et al. in a view of Latham et al. (US 5,760,571) and further in a view of a textbook of R. Boylestad and L. Nashelsky, Electronic Devices and Circuit Theory. As was stated above, Rasums et al. disclose all the elements of Claims 32 and 37. However, regarding Claims 35 and 39, they do not disclose a 5 fifth circuit means of Claims 35 and 39 detecting noise in the power and the second circuit means being responsive to the fifth circuit means by varying amount of power applied to the device. Latham et al. disclose the third circuit means of Claims 35 and 39 filtering electrical noise originating from the power source (elements 42, 44 and 48 in Fig. 2 and 3, col. 4, lines 51 – 67, col. 5, lines 1 – 31) and fourth circuit means producing a control signal responsive to the filtered signal (element 50 in Fig. 2 and 3). As per the second circuit means being responsive to the control signal, a textbook of R. Boylestad and L. Nashelsky discloses that series (Fig. 16.28) and parallel (shunt) (Fig. 16.29) voltage regulators are essentially equivalent and can be used interchangeably with proper reverse of a phase of the control signal. Therefore, the shunt power control element of Latham et al. can be replaced by the series power control element (such as element 10 in Fig. 4 of Goerke et al.). Both patents have the same problem solving area, namely providing efficient hot swapping solutions for electronic circuits. Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to have used the Latham et al. solution for damping the power supply line in the circuit of Goerke et al., because as Latham et al. state (col. 1, lines 41 – 60), possible parasitic oscillations in the electronic circuits present substantial problem of power supply instability and therefore, should be resolved.

Even though Claim 35 is presented in means and function form, the presented prior art references disclose all the elements of the claim in a view of Specification.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasums et al. in a view of Johansson (US 5,587,685). Rasums discloses most of the elements of the claim including a switch (element Q10 in Fig. 2) coupling a target circuit with a power source; a first detector (elements R13 and C3 in Fig. 2) selectively coupled to and decoupled from the power source (by element Q9 in Fig.2), a switch closes ion response to the first detector; the first detector is RC circuit, which is in communication with the source of power, a gate terminal of the switch transistor is connected to the RC circuit and the switch gradually closes in accordance with the RC charge.

However, it does not disclose a second detector configured detecting noise in the power and coupled to the switch, wherein a conductivity of the switch varies responsive to the second detector. Johansson discloses a second detector configured detecting noise (element in the power and coupled to the switch, wherein a conductivity of the switch varies responsive to the second detector detecting noise components in the power (by elements R3 and C2 in Fig. 2), and varying the amount of power delivered to

the target circuit in response to the noise component (by element Q2 in Fig. 2, col. 4, lines 43 –67, col. 5, lines 1 – 62). Both patents have the same problem solving area, namely providing efficient means for hot plugging of electronic boards. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the Johansson noise detecting and compensating solution into Goerke et al., because as Johansson states (col. 2, lines 4 –31) power supplies transients might be dangerous for electronic equipment.

Regarding Claim 6, Johansson discloses the second detector as being connected between the source of power and the gate of the switch (elements R3, R4 and C2 in Fig. 2).

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasums et al. in a view of Goerke et al. Rasums et al. discloses following elements of the claim including first means detecting a connection event when connection is made between a device and a power source, the first means include an RC circuit (elements R13 and C3 in Fig. 2), the first circuit means is being selectively coupled to and decoupled from the power source (by element Q9 in Fig. 2); a second circuit means responsive to the first circuit coupling the power source to a device, being controlled by the first circuit means and varying the amount of power applied to the device (element 10 in Fig. 4), a third circuit means detecting an excessive current draw exceeding a predetermined threshold (elements 170a, 180a, 170b, 180b and 110 in Fig. 4).

Goerke et al. disclose a forth circuit means decoupling the power source from the device (elements 200 and 10 in Fig. 4), fifth circuit means detecting a change in an electrical parameter of the second circuit means indicative of a disconnection between the circuit and the power source (elements 150, 240, 170a, 180a, 170b, 180b and 190 in Fig. 4 detecting a source voltage of a transistor indicating a disconnection between the circuit and the source of power), and a sixth circuit means for decoupling the power source from the device in response to the fifth means (elements 110, 200 and 10 in Fig. 4). The claim is presented in a means and function form. However, all recited elements of the reference have the same functionality as the claim elements disclosed in Specification. Therefore, as was stated above, the rules of equivalency are satisfied. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Rasums et al. circuit by adding the fourth, fifth and sixth circuit means, because as well known in the art, a hot-plugging board is supposed to be hot-plugged-in and hot-plugged-out and for that reason, both connection and disconnection processes should be conducted without any possible damage to an equipment.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasums et al. in a view of Goerke etal and further in a view of Latham et al. (US 5,760,571) and a textbook of R. Boylestad and L. Nashelsky, Electronic Devices and Circuit Theory. As was stated above, Rasums et al. and Goerke et al. disclose all the elements of Claim 40. However, regarding Claim 41, they do not disclose a seventh circuit means

detecting noise in the power and the second circuit means being responsive to the seventh circuit means by varying amount of power applied to the device. Latham et al. disclose the seventh circuit means detecting an electrical noise from the power source (elements 42, 44 and 48 in Fig. 2 and 3, col. 4, lines 51 – 67, col. 5, lines 1 – 31) and second circuit means producing a control signal responsive to the filtered signal (element 50 in Fig. 3). As per the second circuit means being responsive to the control signal, a textbook of R. Boylestad and L. Nashelsky discloses that series (Fig. 16.28) and parallel (shunt) (Fig. 16.29) voltage regulators are essentially equivalent and can be used interchangeably with proper reverse of a phase of the control signal. Therefore, the shunt power control element of Latham et al. can be replaced by the series power control element (such as element 10 in Fig. 4 of Goerke et al.). Both patents have the same problem solving area, namely providing efficient hot swapping solutions for electronic circuits. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the Latham et al. solution for damping the power supply line in the circuit of Goerke et al., because as Latham et al. state (col. 1, lines 41 – 60), possible parasitic oscillations in the electronic circuits present substantial problem of power supply instability and therefore, should be resolved.

Allowable Subject Matter

1. Claims 7 – 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims. A reason for that is that the claim recite the schematic details of the second detector, which were not found in the collected references of the prior art.

2. Claims 18, 25 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. A reason for that is that the claims recite inter alia, the transistor being coupled to the first detector via the filter.

3. Claim 31 is allowed. A reason for that is that the claim recites inter alia, the second circuit means including an RC circuit charged by the power source, wherein a voltage developed by the RC circuit is provided to the first circuit means. Providing the voltage developed across the RC circuit of the second circuit means to the first circuit means was not found in a collected prior art of the record.

Response to Arguments

An Applicant's arguments regarding rejection of Claims 5, 11, 23, 27, 32, and 37 are mostly moot in a view of new ground for rejection. However some of presented arguments should have a response.

Rejection under Section 112 is sustained, because the Applicant's explanation (a) is not satisfactory and (b) the Claim still can be interpreted the way Examiner suggested. Appropriate correction is required.

The Applicant's allegation that Rasums et al. do not disclose: "an RC circuit coupled in a manner to be charged by the power source" is based probably on a wrong

interpretation of the Rasums circuit activity. The RC circuit in Rasums et al. reference is charged by the power source. And further, "Nor Rasums et al. show a "switch [that] is a transistor device having a gate terminal coupled to the RC circuit, so the switch gradually closes as the RC circuit is charged by the source of power". This is again a wrong interpretation of the Rasums et al. circuit. RC circuit (elements R13 and C3 in Fig. 2) is connected to the gate of the switch (element Q10 in Fig. 2) and when the RC circuit is charged by a current from the power source (through transistor Q2 and resistor R2), the switch gradually closes in accordance with the capacitor C3 voltage.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeev Kitov whose telephone number is (703) 305-0759. The examiner can normally be reached on 8:00 – 4:30. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for organization where this application or proceedings is assigned is (703) 972-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Z.K.
10/01/2003

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